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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,043	02/19/2004	Robert M. Best	493-41-3	5618
996	7590	09/28/2007	EXAMINER	
GRAYBEAL, JACKSON, HALEY LLP			PIERCE, DAMON JOSEPH	
155 - 108TH AVENUE NE			ART UNIT	PAPER NUMBER
SUITE 350			3714	
BELLEVUE, WA 98004-5973			MAIL DATE	DELIVERY MODE
			09/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/782,043	BEST, ROBERT M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Damon Pierce	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 June 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-37 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 19 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/19/04 and 6/6/05.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date.       .  
5)  Notice of Informal Patent Application  
6)  Other:       .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 8-12, 14, 20-27, 29-32, 24-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat. No. 6,500,070 to Tomizawa et al. (Tomizawa).

#### In Reference to Claim 1

Tomizawa discloses an electronic game system comprising:

(a) a first game apparatus operable to generate portions of first digital data representing pictures of a first player-controlled object having plural body parts rendered as textured polygons moving in a first simulated 3-dimensional game world for display on a display device (fig. 1, 20);

(b) a portable game system having a discrete display device and at least one processor for generating first and second picture data representing a second player-controlled object having plural body parts rendered as textured polygons

moving in a second simulated 3-dimensional game world viewed from corresponding first and second variable viewpoints for display on said discrete display device (fig. 1, 10); and

(c) a digital data transmission link for transferring digital data from said first game apparatus to said portable game system to cause said generating and display of said first and second picture data corresponding to said first and second variable viewpoints in said second simulated 3-dimensional game world (fig. 1, 30).

In Reference to Claim 14

Tomizawa discloses a method of operating a first game apparatus digitally linked to a portable game system having a discrete display device, the method comprising the following steps:

(a) generating in said first game apparatus (fig. 1, 20) portions of first digital data representing pictures of a first player-controlled object having plural body parts rendered as textured polygons moving in a first simulated 3-dimensional game world for display on a display device (fig. 2, 27, generates the the 3D images of the game);

(b) transferring digital data (fig. 2, 30, transfer digital data) from said first game apparatus to a processor (fig. 2, 11) in said portable game system (fig. 1, 10); and

(c) processing said transferred digital data in said processor (fig. 2, 11, "CPU", processes data) to cause generation in said portable game system of first

and second picture data representing a second player-controlled object having plural body parts rendered as textured polygons moving in a second simulated 3-dimensional game world viewed from corresponding first and second variable viewpoints for display on said discrete display device in accordance with said transferred digital data (col. 1, lines 49-67, and col. 2, lines 1-13).

In Reference to Claims 9 & 22

Tomizawa discloses the game system of claims 1 and 14, wherein at least one of said first and second player-controlled objects is a human-like character (col. 6, lines 13-14 & 25-26, "sports games" where players are athletes).

In Reference to Claims 10 & 23

Tomizawa discloses the game system of claims 1 and 14, wherein at least one of said first and second player-controlled objects is an animal-like character (col. 6, lines 13-14 & 16).

In Reference to Claims 11 & 24

Tomizawa discloses the game system of claims 1 and 14, wherein said transferred digital data contains at least a program of instructions for execution in said processor in said portable game system (col. 1, lines 49-67, and col. 2, lines 1-13).

In Reference to Claim 27

Tomizawa discloses a data carrier (fig. 1, 25) for use with a game system that has a first processor that generates picture data representing a first player-controlled object, the data carrier carrying game program instructions comprising:

(a) first game instructions that cause said first processor to generate said picture data representing said player-controlled object having plural body parts rendered as textured polygons moving in a first simulated 3-dimensional game world for display on a display device (fig. 4, 25a, 251, "picture display program" includes instructions to display game elements to players); and

(b) second game instructions that cause said first processor to initiate transfer of digital data to a portable game system having a discrete display device and to cause generation in a second processor in said portable game system of first and second picture data representing a second player-controlled object having plural body parts rendered as textured polygons moving in a second simulated 3-dimensional game world viewed from corresponding first and second variable viewpoints for display on said discrete display device (fig. 4, 25a, 251, "unit information transfer program" includes instructions to transfer data to all connected gaming devices).

In Reference to Claim 29

Tomizawa discloses the data carrier of claim 27, further comprising third game instructions (fig. 4, 25a, 251, "unit information transfer program" includes instructions to transfer data to all connected gaming

devices) that cause said first processor to initiate transfer of program instructions to said portable game system for execution in said second processor during generation of said first and second picture data.

In Reference to Claim 30

Tomizawa discloses the data carrier of claim 29, further comprising said transferred program instructions (fig. 4, 25a, 251, "programs" includes all program instructions that has been sent to gaming system).

In Reference to Claim 34

Tomizawa discloses the data carrier of claim 27, wherein said data carrier is a semiconductor memory (fig. 1, 25, "game cartridge" is a semiconductor device).

In Reference to Claim 36

Tomizawa discloses a portable game system comprising:

- (a) a housing arranged to be held in a player's hands during use (fig. 1, 10);
- (b) a discrete display device (fig. 1, 17) in said housing;
- (c) a first processor (fig 2, 11) for generating data representing a 3-dimensional player-controlled object having plural body parts moving in a simulated 3-dimensional game world;

(d) a manually operable direction control device (fig. 1, 14e) in said housing for controlling the direction of movement of said 3-dimensional player-controlled object in said simulated 3-dimensional game world; and

(e) a graphics coprocessor (fig. 2, 11, 18) for rendering said 3-dimensional player-controlled object as texture mapped polygons moving in said simulated 3-dimensional game world viewed from first and second variable viewpoints for display on said discrete display device.

In Reference to Claims 7, 20, & 31

Tomizawa discloses the game system of claims 1, 14, and 27, wherein said first and second simulated game worlds are the same game world (col. 4, 48-52).

In Reference to Claims 8, 21, & 32

Tomizawa discloses the game system of claim 1, wherein said first and second player-controlled objects are the same object (col. 3, 42-43, "horse race game", where each player's object is a horse).

In Reference to Claims 12, 26, & 35

Tomizawa discloses the game system of claims 1 and 14, and the data carrier of claim 27, wherein said first game apparatus (fig. 1, 20) is a second portable game system which comprises a second discrete display device (fig. 1, 40) for displaying said first digital data representing pictures

of said first player-controlled object in accordance with digital data received through said data transmission link (fig. 1, 30) from the portable game system (fig. 1, 10) specified in claims 1 and 14.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 13 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,500,070 to Tomizawa et al. (Tomizawa).

**In Reference to Claims 13, 33:** Tomizawa discloses the game system of claim 1 and the data carrier of claim 27, further comprising a disk reader in said first game apparatus for reading said transferred digital data for transmission through data transmission link to said portable game system. However, Tomizawa fails to disclose an optically coded disk. It is well known that optically

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coded disks such as CDs are used in video gaming systems such as in a Playstation console and in a personal computer. Therefore, cartridges and optically coded disk are known alternatives and similar devices used for the same purpose in the video gaming art.

5. Claims 2, 15, 28 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,500,070 to Tomizawa et al. (Tomizawa) in view of Nintendo Virtual Boy (VB).

**In Reference to Claims 2, 15, 28, 37:** Tomizawa discloses the system of claims 1, 14, 27, and 36. However, Tomizawa fails to disclose a means for displaying pictures in stereoscopic 3-dimensions on said discrete display device, wherein said first and second picture data represent views of said 3-dimensional game world separately observable on said discrete display device by a player's left eye and right eye respectively.

VB discloses a means for displaying pictures in stereoscopic 3-dimensions on said discrete display device, wherein said first and second picture data represent views of said 3-dimensional game world separately observable on said discrete display device by a player's left eye and right eye respectively in order to play video games in 3-D (Pg. 1). VB has motivation to give players a 3-D experience and the gaming system in Tomizawa is a 3-dimensional gaming system.

It would have been obvious to a person have ordinary skill in the art at the time of the invention to include the a 3-D gaming device of VB with the 3

dimension video gaming system of Tomizawa in order to give video gaming players a 3-D gaming experience as taught by VB.

6. Claims 3-6 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,500,070 to Tomizawa et al. (Tomizawa) in view of US Pat. No. 5,465,175 to Woodgate et al. (Woodgate).

**In Reference to Claims 3-5, 16-18:** Tomizawa discloses the game system of claims 1 and 14, except wherein said discrete display device is autostereoscopic, comprises a lenticular optic device, and a parallax barrier.

Woodgate discloses discrete display device is autostereoscopic (see Abstract), comprises a lenticular optic device (see Abstract), and a parallax barrier (col. 5, lines 38-39). Woodgate has motivation to use an autostereoscopic, comprises a lenticular optic, and a parallax barrier display devices in video games (Col. 2, 50-51).

Therefore, it would have been obvious to a person have ordinary skill in the art at the time of the invention to modify the 3 dimension video gaming system of Tomizawa with an autostereoscopic, comprises a lenticular optic, and a parallax barrier display in order to give video gaming players a 3-D gaming experience.

**In Reference to Claims 6, 19:** Tomizawa discloses the game system of claims 5 and 14, provides electrically switchable monoscopic (2-D) and stereoscopic (3-D) displays (col. 13, 26-27). However, Tomizawa fails to disclose a parallax barrier.

Woodgate discloses a parallax barrier (col. 5, lines 38-39). Woodgate has motivation to use a parallax barrier display devices in video games (Col. 2, 50-51).

Therefore, it would have been obvious to a person have ordinary skill in the art at the time of the invention to integrate the 3 dimension video gaming system of Tomizawa with a parallax barrier display in order to give video gaming players a 3-D gaming experience.

### ***Conclusion***

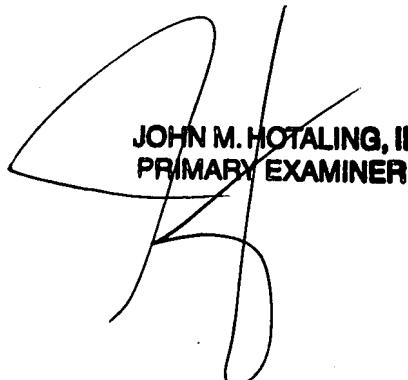
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Damon Pierce whose telephone number is 571-270-1997. The examiner can normally be reached on Mon - Friday 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJP



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